



STATE PROCUREMENT OFFICE
NOTICE OF REQUEST FOR EXEMPTION
FROM HRS CHAPTER 103D

15 FEB 17 P12 53

TO: Chief Procurement Officer

FROM: Transportation/Harbors Division
Name of Requesting Department

ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

Pursuant to HRS § 103D-102(b)(4) and HAR chapter 3-120, the Department requests a procurement exemption for the following:

1. Describe the goods, services or construction:

Section 266-19.5, HRS, Private Financing of Harbor Improvements, allows a private party to construct improvements to DOT Harbor facilities, and be reimbursed when the DOT is able to appropriate funds through the regular budget process. Under the provisions of this Section, Fresh Island Fish, Inc. ("FIF") will design and construct an extension to the existing methane mitigation system at Parcel 8, Domestic Commercial Fishing Village, Piers 36-38, Honolulu Harbor, Oahu, (hereafter "Project"). Project title & job number: Methane Mitigation, Piers 36-38, Lease Parcel 8 Addition, Honolulu Harbor, Oahu, Job H.C. 10583. FIF will design and competitively bid the construction of the Project, and will be reimbursed for its costs (no profit allowed).

2. Vendor/Contractor/Service Provider:

Fresh Island Fish, Inc.

3. Amount of Request:

\$ 250,000.00

4. Term of Contract From: Approval date To: 12/31/2016

5. Prior SPO-007, Procurement Exemption (PE): 0

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:

The Project will provide an extension to the Department of Health-mandated methane mitigation system at Parcel 8 to which FIF is the sole leaseholder of Parcel 8. FIF wishes to expedite the Project to meet their scheduled opening. Harbors Division believes that Section 266-19.5 will provide for this expedited schedule. It is not advantageous for the State to jeopardize FIF's business interests by denying application of Section 266-19.5, HRS for expediting the Project.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:

FIF will competitively bid the construction of the Project, and the Project will be awarded to the lowest, responsive and responsible bidder. In addition, per discussions with the DOT, FIF shall be subject to the following provisions:

1. FIF shall comply with all applicable sections under Chapter 103D, HRS, including Act 52, SLH 2003;
2. DOT shall review and approve FIF's bid documents;
3. DOT shall review and approve the offerors' qualifications and the award of the contract;
4. DOT shall review and approve any changes to the construction contract.

8. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required).

*Point of contact (Place asterisk after name of person to contact for additional information).

Name	Division/Agency	Phone Number	e-mail address
Jonathan Yee*	Harbors	587-1956	jonathan.sw.yee@hawaii.gov
Carter Luke	Harbors	587-1862	carter.luke@hawaii.gov
Ford Fuchigami	DOT	587-2150	ford.n.fuchigami@hawaii.gov

*All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
I certify that the information provided above is, to the best of my knowledge, true and correct.*

Department Head Signature

2.12.15

Date

For Chief Procurement Officer Use Only

Date Notice Posted: 2/18/2015

Inquiries about this request shall be directed to the contact named in No. 8. Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

This request is disapproved based on HRS §266-2(b) and HRS §266-19.5(c), which provide that:

"(c) A capital advancement contract under subsection (a) shall be subject to the requirements of chapters 103 and 103D..."

The department therefore shall utilize HRS chapter 103D, and the applicable procurement rules and procedures based on the selected method of procurement.

If there are any questions, please contact Stanton Mato at 586-0566, or email stanton.d.mato@hawaii.gov.

☐ Approved

☒ Disapproved

☐ No Action Required

Chief Procurement Officer Signature

4/16/15

Date